

REMARKS

Claims 1, 4, 10, 12, 15, 21, 23, 26, and 32 have been rejected by the Examiner under 37 U.S.C. 102(b) as being anticipated by Cowan (5363918).

Claim 1 has been amended herein to include the limitation that "the polymeric fluid loss control additive is selected from the group consisting of a (1) crosslinked ether derivative of a partially hydrolyzed starch, (2) a partially depolymerized, crosslinked ether derivative of starch, and mixtures thereof." This limitation was formerly in claim 7, now Currently Amended. Cowan does not teach this fluid loss control additive. Thus it is believed that claim 1 is not anticipated by Cowan.

Claims 4, 15, and 26 have been cancelled herein.

Claim 10 has been amended herein to make it a multiple dependent claim of claims 1, 2, or 3. It is believed that claim 10 is not anticipated by Cowan.

Claim 12 and claim 23 are dependent upon claim 1 which, as indicated before, is not believed to be anticipated by Cowan.

Thus it is believed that claims 1, 4, 10, 12, 15, 21, 23, 26, and 32 are not anticipated by Cowan, and a reconsideration and withdrawal of this rejection is respectfully requested.

Claims 1, 4, 10, 12, 15, 21, 23, 26 and 32 have been rejected by the Examiner under 37 U.S.C. 102(b) as being anticipated by Chang (6165947).

These claims, discussed hereinbefore in conjunction with the first rejection, are not believed to be anticipated by Chang since Chang does not disclose the fluid loss additive of claim 1 and claims dependent thereon.

Thus it is believed that claims 1, 4, 10, 12, 15, 21, 23, 26, and 32 are not anticipated by Chang, and a reconsideration and withdrawal of this rejection is respectfully requested.

Claim 7 has been amended herein to include the limitation that the polymeric fluid loss control additive is selected from the group consisting of (1) crosslinked hydroxypropyl ether derivative of a partially hydrolyzed starch, (2) a partially depolymerized, crosslinked hydroxypropyl ether derivative of starch, and (3) mixtures thereof. The hydroxypropyl ether derivative is set forth in the specification on: page 7, lines 19-20, page 8, lines 4-9, in U.S. Patent No. 5,641,728, which was incorporated by reference on page 9, line 5; and page 12, lines 7-8.

Newly added claims 34, 35, and 36 are dependent upon claim 7.

It is believed that claim 7 and the claims dependent thereon are not anticipated by Cowan or Chang, and an allowance of these claims is respectfully requested.

Claims 1-33 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-36 of copending application SN 11/011,659.

Submitted herewith is a Terminal Disclaimer to obviate the provisionally double patenting rejection over co-pending patent application SN 11/011,659.

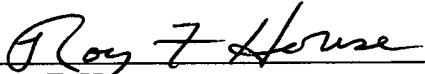
Claims 1-33 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-36 of copending application SN 10/901,822.

Submitted herewith is a Terminal Disclaimer to obviate the provisionally double patenting rejection over co-pending patent application SN 10/901,822.

It is believed that claims 1-3, 7, 10, 12-14, 18, 21, 23-25, 29, 32 and 34-36 are allowable and patentable for the reasons set forth herein, and a re-consideration and allowance of these claims is respectfully requested.

If any questions remain, the Examiner is requested to call applicant's agent collect at 713-723-2962.

Respectfully submitted,



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